



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,436	07/07/2003	Roy Higgs		2612
7590	02/15/2006		EXAMINER	
J. John Shimazaki P.O. Box 650741 Sterling, VA 20165			FAULK, DEVONA E	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/614,436	HIGGS, ROY
	Examiner	Art Unit
	Devona E. Faulk	2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 February 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 30-33,36 and 38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 30-33,36 and 38-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____.  	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. The affidavit filed on 2/3/06 under 37 CFR 1.131 is sufficient to overcome the Simens reference.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Claims 21-29,34,35,37 have been cancelled.

### *Drawings*

4. The drawings are objected to because of line quality. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 30-33,36,38,40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgs ("Extensions to and refurbishment of Menlyn Park Shopping Centre, Pretoria" (August 2000, see pg. 14 of source code)).

Regarding **claim 30**, Higgs discloses a shopping mall or other complex comprising:  
a first multi-level parking garage having a first top floor thereon, wherein said first parking garage is connected to a first portion of said shopping mall or other complex (Figure 6);

a drive-in movie theater located on said first top floor, wherein said theater comprises a screen for projecting moving images thereon (Figure 6); and  
an events center (page 3, column 2).

a second multi-level parking garage having a first top floor thereon, wherein said second parking garage is connected to a second portion of said shopping mall or other complex, wherein an events center is located on top of said second parking garage

(Figure 5 (see outlined area); events center is the Roman Amphitheatre-styled arena and is obviously on top of garage considering Figures 5 and 7).

It would have been obvious to have the arena on top of a second multi-level parking garage to offer a large variety of entertainment options to shoppers in one location (see Higgs, introductory paragraph).

Regarding **claim 31**, Higgs as modified by Simens discloses wherein said first and second portions of said shopping mall or other complex are located between said first and second parking garages (See above apropos rejection of claim 30; Figures 4-7).

Regarding **claim 32**, Higgs discloses wherein said events center comprises an outdoor auditorium with stadium type seating (events center is the Roman Amphitheatre-styled; stadium type seating is implicit).

Regarding **claim 33**, Higgs discloses wherein a restaurant and/or other establishment is provided in connection with said events center, wherein persons in said restaurant and/or other establishment can view activities taking place in said events center. Higgs teaches or restaurants provided for the theater (Figure 6, page

Regarding **claim 36**, Higgs discloses wherein a projector is located on said first parking garage, on an end opposite said screen, wherein said projector is adapted to project said moving images onto said screen (Figure 6).

Regarding **claim 38**, Higgs discloses wherein said first parking garage and said shopping mall or other complex are separate structures, and at least one bridge is provided between said first parking garage and said shopping mall or other complex to

connect the structures (Higg's Figure 6 teaches of a first parking garage connected to a mall. Higgs further teaches of tunnels that are used for pedestrian traffic to various mall sections (page 4). It would have been obvious to have a second garage connected to the mall as well so that pedestrians can easily access the mall from either parking garage.

Regarding **claim 40**, Higgs discloses wherein said events center comprises an outdoor auditorium with stadium type seating (events center is the Roman Amphitheatre-styled; stadium type seating is implicit).

7. **Claim 39** is rejected under 35 U.S.C. 103(a) as being unpatentable over Higgs ("Extensions to and refurbishment of Menlyn Park Shopping Centre, Pretoria" (August 2000, see pg. 14 of source code) in view of Herzfeld et al. (U.S. Patent 3,131,351).

Regarding **claim 39** Higgs fails to disclose but Herzfeld discloses wherein a short range radio sound system is provided and adapted for use in connection with said drive-in movie theater. Higgs would obviously have to have a sound system in order for patrons to hear the movie. Herzfeld discloses a short range radio information system (column 4, lines 14-24) and an outdoor theater system (Figure 1). It would have been obvious to modify Higgs to have the features of Herzfeld in order to provide clear perception to all vehicles (column 4, lines 14-22).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEF



HUYEN LE  
PRIMARY EXAMINER